

PATENT
Customer No. 22,852
Attorney Docket No. 06478.1442-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)
Claude NÉGRIER et al.) Group Art Unit: 1653
Application No.: 09/559,344) Examiner: Holly Schnizer
Filed: April 27, 2000)
For: DNA CONSTRUCT FOR THE)
TISSUE-SPECIFIC EXPRESSION)
OF A BLOOD COAGULATION)
FACTOR)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, AVENTIS BEHRING GmbH, duly organized under the laws of Germany and having its principal place of business at Emil von Behringstrasse 76, Marburg, Germany, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/559,344, filed April 27, 2000, for DNA CONSTRUCT FOR THE TISSUE-SPECIFIC EXPRESSION OF A BLOOD COAGULATION FACTOR, in the name of Claude NÉGRIER et al., as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 010757, Frame 0505 on April 27, 2000. Assignee, AVENTIS BEHRING GmbH, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,780,614, as indicated by the assignment

PATENT
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duly recorded in the United States Patent and Trademark Office at Reel 012933, Frame 0845 on May 28, 2002.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,780,614; Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

PATENT
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If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record in this application.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 13, 2004

By: Carol P. Einaudi
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